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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,221	01/18/2001	Kazuhiko Mori	KIK01 P-321	7372

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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,221

Applicant(s)

MORI, KAZUHIKO

Examiner

Michael J Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, there is no technological innovation included in the limitations. The limitations as claimed could be met merely through notes or telephone calls between parties.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 5,093,794 to Howie et al. (Howie).

As to claim 1, Howie discloses a method for handling a manufacturing process (abstract) that receives content information related to the design of a manufactured item (claim 1, col 25, lines 17-21), receiving work schedule information that indicates a projected schedule as to when various stages are to be completed (claim 1, col 25, lines 22-25), receiving work progress information that indicates the actual progress of the manufactured item (col 3, lines 42-46, further shown in the "operations mode" in fig 2), receiving change order information (plan revisions as best seen in fig 2).

Howie does not, however, teach using the system for construction projects and further does not teach disclosing the information to an authorized user.

It would have been obvious to one of ordinary skill in the art to provide construction information to an authorized user (the customer) so as to keep the customer apprised of the progress of the work. It further would have been obvious to one of ordinary skill in the art to use the system as disclosed by Howie in construction settings as such settings require timing of the various stages of construction (i.e. pouring a foundation, building the frame, roofing the structure, painting the structure, flooring the structure etc.).

As to claims 15 and 29, Howie teaches a computer network (as best seen in fig 1) and further, a control and inquiry code executing system would be inherent in the system as Howie discloses the steps as being performed and therefore, there would have to be an executing system to perform the steps.

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Howie does not, however, teach allowing a client computer to access the system. It would have been obvious to one of ordinary skill in the art to allow the customer to access the system to allow for access to the customer's file so the customer could track the work to avoid having the customer call the builder to ask for progress reports.

As to claims 2 and 16, Howie does not specifically teach requiring a password or other identification to access the system. It would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Howie by requiring an identification number to access the system to avoid unauthorized access to the system.

As to claim 3 and 17, Howie teaches revising the work schedule when change order information impacts the projected schedule (col 7, lines 1-5).

As to claims 4 and 18, the project information includes profiles of those doing the work (fig 1, blocks under "Resource Broker" blocks).

As to claims 5 and 23, Howie discloses notifying the site superintendent (master scheduler) when work progress information is not received (fig 11).

As to claims 6 and 20, Howie does not disclose including an image of the part as it is being manufactured. It is very well known in the art for owners of houses being built to obtain images of the house in the various stages of it being built. Therefore, it would have been obvious to one of ordinary skill in the art to provide such images to increase customer satisfaction.

As to claims 7 and 21, it is very well known in the art to pay for services when they are completed, therefore, it would have been obvious to one of ordinary skill in the

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art to require images of completed work to ensure that work has been completed before payment is rendered.

As to claims 8 and 22, it would be inherent that it would be verified that the authorized user received the requested information as the computer would continue to attempt to provide the information if it was not verified.

As to claims 9 and 23, as is discussed above, Howie teaches requiring work schedule updates, therefore, it would have been obvious to one of ordinary skill in the art to request reports that are not received to ensure that they are received.

As to claims 10 and 24, it is very well known in the art for a building purchaser to view the building while under construction and for the contractor or builder to be there. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Howie by adding a scheduler to allow for the scheduling of customer visits.

As to claims 11 and 25, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Howie by providing a warning when a building purchaser reports a building associated problem as otherwise construction could continue while a problem is not fixed. Further, a building related problem could relate to ability of the purchaser to pay for the building and the builder would want to know of such a circumstance.

As to claims 12 and 26, Howie discloses scheduling a correction of a problem (claim 8, col 27, lines 39-60).

As to claims 13 and 27, it would be inherent that the construction project information would include the location information of the site superintendent as this person is necessary for running the system.

As to claims 14 and 28, it would have been obvious to one of ordinary skill in the art to include contact numbers for the principals in the manufacture process in case it is necessary to contact them.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 5,893,906 to Daffin et al. discloses a system for managing work processes, US PAT 4,459,663 to Dye discloses a system for a method allocating resources in a manufacturing environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Fisher



Patent Examiner
GAU 3629

MF 
3/11/05